

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: CENTURYLINK SALES
PRACTICES AND SECURITIES
LITIGATION

MDL No. 17-2795 (MJD/KMM)

**DEFENDANT AND INTERVENORS’
RENEWED MOTION FOR
TEMPORARY INJUNCTION TO
ENJOIN AND STAY MINNESOTA
ATTORNEY GENERAL’S
DUPLICATIVE CONSUMER
RESTITUTION CLAIMS**

This Document Relates to:

| | |
|---------------|---------------|
| 0:17-cv-02832 | 0:17-cv-04622 |
| 0:17-cv-04613 | 0:17-cv-04944 |
| 0:17-cv-04615 | 0:17-cv-04945 |
| 0:17-cv-04616 | 0:18-cv-01562 |
| 0:17-cv-04617 | 0:18-cv-01565 |
| 0:17-cv-04618 | 0:18-cv-01572 |
| 0:17-cv-04619 | 0:18-cv-01573 |

Pursuant to the All Writs Act, 28 U.S.C. 1651 and the Anti-Injunction Act, 28 U.S.C. § 2283 (the “Acts”), Defendant CenturyLink, Inc. and Proposed Intervenor (jointly “CenturyLink”) through undersigned counsel, hereby renew their Motion for an Order enjoining the litigation of duplicative restitution claims by the State of Minnesota, acting through its Office of the Attorney General (“OAG”), in the case captioned *State of Minnesota, by its Attorney General, Keith Ellison v. CenturyTel Broadband Services, LLC*, No. 02-CV-17-34888 (Anoka Cty. Dist. Ct.).¹

The Consumer Plaintiffs and CenturyLink have reached a settlement of the consumer class actions in this Proceeding that will resolve the claims of approximately 17 million putative class members nationwide, *including all CenturyLink customers in Minnesota*. Simultaneously, the OAG is seeking restitution for the same alleged

¹ CenturyLink first brought this Motion on August 1, 2019 (Doc. No. 421). However, the Court subsequently continued the Motion pending the filing of the Consumer Plaintiffs’ and CenturyLink’s Motion for Preliminary Approval of Class Action Settlement, which was filed today. (Aug. 20, 2019 Order at 2, Doc. No. 447).

damages, arising from the same transaction for the same Minnesota customers, and under the same Minnesota statutes. If not enjoined, the OAG's duplicative restitution claims will undermine the nationwide settlement and interfere with this Court's jurisdiction and management of the MDL.

Pursuant to its powers under the Acts as "necessary in aid of its jurisdiction," the Court should therefore enjoin the OAG from pursuing its restitution claims, and stay the pending claims in state court. To be clear, CenturyLink is not seeking to enjoin the OAG from proceeding with its other pending claims seeking civil penalties and injunctive relief.

This Renewed Motion is based upon the files, records, and proceedings in this matter, including the memorandum of law previously filed and served, additional memoranda of law to be filed and served, and the arguments of counsel.

The Court has previously ordered that the OAG will have thirty days from the date of the filing of the Motion for Preliminary Approval of the Consumer Class Action Settlement in which to respond to CenturyLink's Motion for Temporary Injunction. (Order of Aug. 20, 2019 at 2, Doc. No. 447).

Dated: October 16, 2019

Respectfully submitted,

/s/ Douglas P. Lobel

Douglas P. Lobel (VA Bar No. 42329)

David A. Vogel (VA Bar No. 48971)

Dana J. Moss (VA Bar No. 80095)

COOLEY LLP

11951 Freedom Drive

Reston, Virginia 20190

Tel.: (703) 456-8000

Fax: (703) 456-8100

dlobel@cooley.com
dvogel@cooley.com
dmoss@cooley.com

Jeffrey M. Gutkin (CA Bar No. 216083)
COOLEY LLP
101 California Street, 5th Floor
San Francisco, CA 94111
Tel.: (415) 693-2000
Fax: (415) 693-2222
jgutkin@cooley.com

William A. McNab (MN Bar No. 320924)
David M. Aafedt (MN Bar No. 27561X)
WINTHROP & WEINSTINE, P.A.
Capella Tower, Suite 3500
225 South Sixth Street
Minneapolis, MN 55402
Tel: (612) 604-6400
Fax: (612) 604-6800
wmcnab@winthrop.com
daafedt@winthrop.com

*Attorneys for Defendant CenturyLink, Inc.
and Proposed Intervenors*

18078229v1